

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL BOBOWSKI, ALYSON BURN,
STEVEN COCKAYNE, BRIAN CRAWFORD,
DAN DAZELL, ANGELO DENNINGS,
CHEYENNE FEGAN, SHARON FLOYD,
GREGORY GUERRIER, JOHANNA
KOSKINEN, ELENA MUNOZ-ALAZAZI,
ELAINE POWELL, ROBERT PRIOR, ALIA
TSANG, and KYLE WILLIAMS, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CLEARWIRE CORPORATION,

Defendant.

Case No. C10-1859-JLR

**CANTOR DECLARATION IN SUPPORT
OF PLAINTIFFS' MOTION TO ALLOW
DEPOSITIONS OF OBJECTORS
GORDON B. MORGAN AND
JEREMY DE LA GARZA**

NOTE ON MOTION CALENDAR:
Friday, December 21, 2012

I, Cliff Cantor, certify as follows:

1. I am competent to testify and base this declaration on my personal knowledge
and/or the records of my law firm.

2. In the above-captioned case, I am one of counsel for plaintiffs (except Mr. Prior).
The Court, in its order granting preliminary approval, appointed my firm as one of class counsel.
See Prelim. Approv. Order at 3:26 – 4:2 (dkt. 64).

1 3. I received a communication from the settlement administrator showing that, on
2 December 2, 2012, the total number of potential requests for exclusion received was 382.

3 4. The Court, in its order granting preliminary approval, designated me to be the
4 recipient of objections to the proposed settlement. *See* Prelim. Approv. Order at 6:17 (dkt. 64).
5 In this capacity, to date I have received seven objections. Of those seven objections, one was on
6 behalf of two people, Mr. Morgan and Mr. De La Garza, which I received on November 30,
7 2012 by ECF (dkt. 76) and subsequently by mail. The other six objections were on behalf of one
8 person each. Thus, I have received objections from a total of eight objectors so far.

9 5. LCR 37 certification: I tried to reach Mr. Bandas by telephone on Wednesday,
10 December 5, 2012 at about 9:50 a.m. to discuss taking his clients' depositions. Upon learning
11 that he was not in, I asked the receptionist whether she could call Mr. Bandas on his cell phone
12 and ask him to return my call that day. I gave her my name, number, and pertinent information
13 about the reason for my call. The receptionist responded that she would do that. I then tried to
14 reach Mr. Heyrich by phone. His receptionist gave me his cell phone number, which I called and
15 left a message. I did not hear back by telephone from either attorney. On Wednesday,
16 December 5, 2012 at 10:36 a.m., I sent a detailed email to both of them concerning their clients'
17 objection. The latter part of the email expressed the following:

18 Please give me a call about the objection today, on my cell: [REDACTED]. It is
19 important that I hear from you. Plaintiffs would like to schedule depositions of
20 Mr. Morgan and Mr. De La Garza, to take place in Corpus Christi (or other place
21 convenient for them) as soon as possible; and/or enter into a stipulation with you
22 concerning obtaining discovery from them about, among other things, facts supporting
23 their objection. As you know, the final hearing is currently set for Dec. 19, 2012.

24 The next day, on Thursday, December 6, 2012 at 9:04 a.m., I sent them another email reiterating
25 this request. Mr. Bandas responded at 11:21 a.m. stating that "we will move for mandatory
26 sanctions should you take further steps in this regard." I replied to confirm that this meant he did
27 not consent to plaintiffs taking his clients' depositions. I believe I conferred sufficiently and in

1 good faith to determine whether the issue of taking Mr. Morgan's and Mr. De La Garza's
2 depositions could be resolved without Court action. I conclude that it cannot.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Executed on December 6, 2012.

5 By: s/ Cliff Cantor
6 Cliff Cantor, WSBA # 17893
7 LAW OFFICES OF CLIFFORD A. CANTOR, P.C.
8 627 208th Ave. SE
9 Sammamish, WA 98074
10 Tel: (425) 868-7813
11 Fax: (425) 732-3752
12 Email: cliff.cantor@comcast.net

13 Certificate of Service

14 I certify that, on December 6, 2012, I caused the foregoing to be (i) filed with the clerk of
15 the court via the CM/ECF system, which will send notification of filing to all counsel of record;
16 and (ii) deposited in the U.S. mail, postage prepaid, addressed to Robert Prior, 2016 E. 6th St.,
17 Vancouver WA 98661.

18 s/ Cliff Cantor
19 Cliff Cantor, WSBA # 17893
20
21
22
23
24
25
26
27